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Department of Regulatory Agencies

COLORADO BOARD OF CHIROPRACTIC EXAMINERS

OPEN SESSION MINUTES

November 14, 2013

One Civic Center Plaza
1560 Broadway, Suite 110 D
Denver, CO 80202
www.dora.state.co.us/chiropractic

WELCOME AND ATTENDANCE

The Colorado State Board of Chiropractic Examiners meeting convened at 9:05 A.M. Those in attendance were:

Board Members:

Marshall Snider, J.D., Public Member – President
Richelle Knowles, D.C., Professional Member – Vice President
Julie Scott, D.C., Professional Member – Secretary
John Hanks, D.C., Professional Member
Michelle Wendling, D.C., Professional Member

Others scheduled to be present:

Connie Mahaffey, Program Director
Robert Finke, J.D., Assistant Attorney General
Angela Hunt, J.D., Assistant Attorney General
Lisa Hill, Program Manager
Nancy Werner, Program Specialist
Melissa Garner, Expedited Settlement Specialist

Guests who addressed the Board:

Michael Masteller, D.C., President of Colorado Chiropractic Association (CCA)
Lawrence Sutton, D.C., Reinstatement Applicant

REMARKS AND OPEN FORUM

- Connie Mahaffey, Program Director, Colorado Board of Chiropractic Examiners, introduced herself as the new Program Director. She informed Board Members that DORA responded to Colorado Chiropractic Association's (CCA) request of additional information on the chiropractic license fee increase. In turn CCA distributed a



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memorandum based on DORA's response to all licensed Colorado chiropractors on November 8, 2013.

- Federal Department of Transportation (DOT) Discussion
CCA President, Michael Masteller, D.C. provided comment.

A motion was made, seconded and carried to refer the issue relating to correspondence from the Department of Transportation to executive session for legal advice, with at least two-thirds of the membership approving the motion to enter executive session. Professional member, Dr. John Hanks, D.C. opposed the motion.

In open session, a motion was duly seconded, the Board voted unanimously to delegate authority to the Program Director to respond to Department of Transportation as noted below, post a copy of the letter on the Board's Webpage, and submit a copy to CCA for distribution.

A motion was made, seconded and carried to reply to the Federal Department of Transportation (DOT) that Colorado licensed chiropractors are able to complete and sign DOT medical examiner certificates.

A motion was made, seconded and carried to withdraw the motion to reply to the Federal Department of Transportation (DOT) that Colorado licensed chiropractors are able to complete and sign DOT medical examiner certificates.

- Vineta Campau, Executive Director, Colorado Chiropractic Association (CCA), provided an overview of their annual convention held in September. She updated the Board on licensed chiropractor's permission to issue temporary handicap parking permits beginning on January 1, 2014 and the Federal Affordable Care Act as it pertains to chiropractic care. She announced a new patient engagement program by CCA entitled "Get Back" and their upcoming District meeting to be held on November 14, 2013.
- There were no comments from the public.

REGULAR BUSINESS MATTERS

- A motion was made, seconded and carried to approve the Minutes from the September 26, 2013 Open Session Board meeting, as amended.
- A motion was made, seconded and carried to ratify the Newly Licensed Report as presented.
- The Monitoring/Active Stipulation Report was acknowledged.



EXECUTIVE SESSION

- A motion was made, seconded and carried to enter Executive Session at 11:03 a.m.
Pursuant to Colorado Revised Statutes, section 24-6-402(3)(a)(II), the Board entered into executive session to confer with counsel and to receive legal advice on specific legal questions regarding the legal basis for potential disciplinary action, and, where warranted, recommended settlement guidance for matters discussed in open session today and referred for discipline and discussion in executive session, specifically for:
 - Federal Department of Transportation (DOT), letter of response
 - Dr. David Barton, D.C.
 - Dr. Daniel Knechtel, Jr., D.C.
 - Dr. Michael Sells, D.C.
 - Dr. Lawrence Sutton, D.C.

and matters required to be kept confidential by federal law or rules and state statutes pursuant to Colorado Revised Statutes, section 24-6-402(3)(a)(III). Pursuant to 42 Code of Federal Regulations Part 2, regarding drug and alcohol treatment records of a licensee whose identity and treatment information is confidential.

By unanimous agreement, the Board exited the Executive Session at 12:14 p.m. and reconvened in open session.

LICENSING MATTERS

- Dr. David Barton, D.C. (CHR4045) – Animal Chiropractic Authority/Credential
A motion was made, seconded and carried to refer Dr. David Barton, D.C.'s application to Executive Session for discussion and legal advice.

In open session, a motion was made, seconded and carried to grant Dr. David Barton, D.C., an Animal Chiropractic Authority / Credential.

- Dr. Daniel Knechtel, Jr., D.C. (initial) – Application by Examination
A motion was made, seconded and carried to refer Dr. Daniel Knechtel, Jr., D.C.'s application to Executive Session for discussion and legal advice. Professional member, Dr. Julie Scott, D.C. opposed the motion.



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In open session, a motion was made, carried and seconded to table Dr. Daniel Knechtel, Jr., D.C.'s application for additional information.

- Dr. Michael Sells, D.C. (initial) – Application by Endorsement Follow-up
A motion was made, seconded and carried to refer Dr. Michael Sells, D.C.'s application to Executive Session for discussion and legal advice. Professional member, Dr. Julie Scott, D.C. opposed the motion.

In open session, a motion was made, seconded and carried to deny Dr. Michael Sells, D.C.'s application for an initial license.

NEW BUSINESS

- Board election of officers for 2014
 - President:

A motion was made, seconded and carried, to nominate Marshall Snider, J.D. as president for calendar year 2014.

A motion was made, seconded and carried to elect Marshall Snider, J.D. as president for calendar year 2014. Board Member Marshall Snider, J.D., abstained from voting.
 - Vice-President:

A motion was made, seconded and carried, to nominate Dr. Richelle Knowles, D.C. as vice-president for calendar year 2014.

A motion was made, seconded and carried to elect Dr. Richelle Knowles, D.C. as vice-president for calendar year 2014.
 - Secretary:

A motion was made, seconded and carried to nominate Dr. Julie Scott, D.C. as secretary for calendar year 2014.

A motion was made, seconded and carried to elect Dr. Julie Scott, D.C. as secretary for calendar year 2014.
- Board meeting dates for 2014
A motion was made, seconded and carried to approve the Board meeting dates for calendar year 2014.
- Annual Designation of Meeting Notices Pursuant to Section 24-6-402(2)(c)



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A motion was made, seconded and carried to designate the reception area located at 1560 Broadway, Suite 1350, Denver, Colorado, as the place for posting meeting notices under section 24-6-402(2)(c), C.R.S.

- Letter to Board from Dr. Michael Nehring, D.C. (CHR2249)
A motion was made, seconded and carried to table further discussion of Dr. Michael Nehring, D.C.'s letter to the January 23, 2014 meeting.
- Review of Board Rule 8
A motion was made, seconded and carried to consider for future Rule Making.

COMPLIANCE MATTERS

- Dr. Cody Golman, D.C. (CHR5717) – Stipulation and Final Agency Order
A motion was made, seconded and carried to delegate authority to Board Program Director to release Dr. Cody Golman, D.C. from his Stipulation and Final Agency Order when he has fully complied with its terms.
- Dr. Lance Mahoney, D.C. (Application for Conditional License) – Stipulation and Final Agency Order
A motion was made, seconded and carried to table further discussion of Dr. Lance Mahoney, D.C.'s application for a conditional license until he has fully complied with the terms of his Stipulation and Final Agency Order.
- Dr. Douglas Terry, D.C. (CHR1561) – Stipulation and Final Agency Order
President Marshall Snider, J.D. and Professional Board Member Dr. John Hanks, D.C. recused themselves from participation in this case and left the meeting room. A motion was made, seconded and carried to grant Dr. Douglas Terry, D.C.'s request to terminate his Stipulation and Final Agency Order probation.

COMPLIANCE ADDENDUM

- Dr. Lawrence Sutton, D.C. (CHR1421) – Stipulation and Final Agency Order
Dr. Lawrence Sutton, D.C. chose to address the Board in Open Session.

A motion was made, seconded and carried to refer Dr. Lawrence Sutton, D.C.'s Stipulation and Final Agency Order discussion to Executive Session.

In open session, a motion was made, seconded and carried to table the matter for additional information Dr. Lawrence Sutton, D.C.'s request.



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ADJOURNMENT FROM OPEN SESSION AT 12:18 P.M.

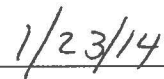
The next Open Session of the Colorado Board of Chiropractic Examiners meeting will take place on January 23, 2014, at 9:00 A.M. at 1560 Broadway, Denver, Colorado, in Conference Room 1250 C.

This meeting was noticed to the public in accordance with § 24-6-402(2)(c), C.R.S. The agenda is subject to change. If changes occur prior to the meeting, a revised agenda will be available at the meeting site. Pursuant to statute, Executive Session is closed to the public. Board Meeting agendas, dates, and locations may be accessed on DORA's website:

www.dora.state.co.us/chiropractic



Marshall Snider – President



Date